

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AF

In re application of:

ROSE MARY FARENDEN

Group Art Unit:3623

Serial No.: 09/800,069

Examiner: J. Stimpak

Filed: March 6, 2001

For: WEB SITE FOR RECRUITING CANDIDATES FOR EMPLOYMENT

Attorney Docket No.: 81067015 / FMC 1335 PUSP

TRANSMITTAL LETTER

Mail Stop Appeal Brief - Patents

Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed with reference to the above matter are the following documents:

1. Amended Appeal Brief In Response To Notification of Non-Compliant Appeal Brief (37 C.F.R. § 41.37); and
2. Copy of Notification of Non-Compliant Appeal Brief.

The required fee has already been paid.

Respectfully submitted,

ROSE MARY FARENDEN

By: *John S. Le Roy*
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Date:

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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8 (FIRST CLASS MAIL)

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

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Date of Deposit

John S. Le Roy
Name of Person Signing

John S. Le Roy
Signature



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ROSE MARY FARENDEN

Serial No.: 09/800,069

Filed: March 6, 2001

For: **WEB SITE FOR RECRUITING CANDIDATES FOR EMPLOYMENT**

Attorney Docket No.: 81067015 / FMC 1335 PUSP

Group Art Unit: 3623

Examiner: J. Stimpak

**AMENDED APPEAL BRIEF
IN RESPONSE TO NOTIFICATION OF
NON-COMPLIANT APPEAL BRIEF (37 C.F.R. § 41.37)**

Mail Stop Appeal Brief - Patents

Commissioner for Patents

U.S. Patent & Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicant submits this Amended Appeal Brief in response to the Notification of Non-Compliant Appeal (37 C.F.R. § 41.37) dated March 21, 2006. Applicant believes that the following incorporates the changes as requested in the Notification, a copy of which is enclosed. The Patent Office was previously instructed with its original submission to charge the fee of \$500 as applicable under the provisions of 37 C.F.R. § 41.20(b)(2), as well as any additional fees or credits, be applied to Deposit Account 06-1510 (Ford Global Technologies, Inc.).

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on

4-20-06
Date of Deposit

John S. Le Roy
Name of Person Signing

John S. Le Roy
Signature

APPEAL BRIEF

This is an Appeal Brief from the final rejection of claims 1-18 of the Office Action mailed on August 12, 2005 for the above-identified patent application. The Applicant has filed a Notice of Appeal concurrently herewith.

I. REAL PARTY IN INTEREST

The real party in interest is Ford Motor Company, a corporation organized and existing under the laws of the state of Delaware, and having a place of business at The American Road, Dearborn, Michigan 48121, as set forth in the assignment recorded in the U.S. Patent and Trademark Office on March 6, 2001 at Reel 011617/Frame 0209.

II. RELATED APPEALS AND INTERFERENCES

The Applicants have concurrently filed a Notice of Appeal and Appeal Brief on a related application, System For Recruiting Candidates For Employment, application serial no. 09/800,986. The issues raised in that appeal are generally related to, but are not believed to be impacted by, the issues raised in this appeal.

III. STATUS OF CLAIMS

Claims 1-18 are pending in this application. These claims have been rejected and are the subject of this appeal.

IV. STATUS OF AMENDMENTS

No amendment after final rejection was filed.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Two independent claims are pending and stand rejected. Independent claim 1 recites a web site for recruiting candidates for employment. The website is programmed to receive a candidate's employment credentials (education, skills, experience, etc.). (Page 21, lines 6-29.) The website then presents the candidate with employment opportunities that best

match the candidate's credentials. (Page 22, lines 14-23.) An interactive graphical icon enables the candidate to select employment opportunities to be retained (i.e. saved) for future reference upon a later log-in to the website. (Page 24, lines 12-13 and lines 26-30.) The candidate selects at least one of the presented employment opportunities for which the candidate requests consideration. (Page 23, lines 13-21.) Based on a comparison between the candidate's employment credentials and candidate matching criteria associated with the selected employment opportunity, the candidate may be presented with an invitation to an employer-hosted recruiting event. (Page 26, line 21 - Page 27, line 3; Page 27, line 17 - Page 28, line 1.)

Independent claim 18 is similar to claim 1, but additionally recites functionality for selecting and playing music. (Page 24, lines 17-25.)

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-18 (all pending claims) stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,662,194 to Joao in view of "My Monster" from Monster.com.

VII. ARGUMENT

The Examiner has rejected all pending claims (1-18) under 35 U.S.C. 103(a) as unpatentable over Joao (U.S. 6,662,194) in view of "My Monster" from Monster.com. The element of independent claims 1 and 18 that forms the basis of this appeal is as follows:

an icon that is spawned upon the candidate's selection of at least one employment opportunity for retaining the at least one employment opportunity wherein the candidate re-accesses the icon upon subsequent log-in

The Examiner relies on a May 25, 1999 article from PC Magazine that describes an aspect of the Monster.com website called "My Monster." That article states, in relevant part "You're My Monster page will keep track of all jobs for which you apply."

The Applicant respectfully traverses the Examiner's rejection because the "My Monster page" requires that a person "apply" for a job before it can be "tracked." The

claimed invention, on the other hand, only requires “selection” of an employment opportunity for that opportunity to be “retained” for future reference. This aspect of the independent claims distinguish the invention from the prior art because the prior art did not provide job seekers with an effective means of retaining employment opportunities prior to applying for them. In this fashion, users could not save employment opportunities that they were generally interested in, and re-access those employment opportunities over a period of time during which the user’s are researching and comparing employment opportunities. In contrast, the My Monster page would not retain opportunities until after they are applied for. Users could not re-access their My Monster page at a later date to review employment opportunities that the users were interested in, but had not yet applied for. This was a drawback of the My Monster page that the Applicant’s invention overcame.

The Examiner proposes combining the My Monster page with Joao:

it would have been obvious to one of ordinary skill in the art to incorporate Monster’s “my monster” feature wherein a user can store information concerning job searches in a password protected area of the website. This added feature allows a user to more quickly retrieve previous job searches, resumes, etc.

(8/12/05 Office Action, p. 4, underlining added.)

But, as explained above, the My Monster page does not retain “job searches” — it only retains previous job applications. As recited in dependent claim 5 however, the claimed invention enables employment opportunities to be applied for *after* they are retained:

The site of claim 1 wherein the icon is configured to receive input requesting consideration for the at least one retained employment opportunity.

As recited in dependent claim 6, the retained employment opportunities can also be deleted, allowing users to flexibly browse, research and consider employment opportunities *before* selecting the particular employment opportunities the users want to apply for. Neither Joao nor Monster teach these aspects of the claimed invention.

Because the Examiner has not established a *prima facie* case of obviousness with regard to independent claims 1 and 18, and at least dependent claims 5 and 6, the Applicant respectfully requests that the rejection of all pending claims be vacated.

The fee of \$500 as applicable under the provisions of 37 C.F.R. § 41.20(b)(2), as well as any additional fees or credits, should be applied to Deposit Account 06-1510 (Ford Global Technologies, Inc.). A duplicate of this page is enclosed for this purpose.

Respectfully submitted,

ROSE MARY FARENDEN

By: 

John S. Le Roy

Registration No. 48,158

Attorney for Applicant

Date: 4-20-06

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Enclosure - Appendices



VIII. CLAIMS APPENDIX

1. A web site for recruiting candidates for employment, the site being programmed to:

receive input defining a candidate's employment credentials;

present at least one employment opportunity that best matches the candidate's employment credentials;

present an icon that is spawned upon the candidate's selection of the at least one employment opportunity for retaining the at least one employment opportunity wherein the candidate re-accesses the icon upon subsequent log-in;

receive input requesting consideration for the at least one employment opportunity that best matches the candidate's employment credentials; and

present the candidate with an invitation to an employer-hosted recruiting event based on a comparison between the candidate's employment credentials and candidate matching criteria associated with the at least one employment opportunity.

2. The site of claim 1 wherein the site is additionally programmed to:

present a candidate with an employment skills questionnaire; and

present the candidate with an invitation to an employer-hosted recruiting event for further evaluation based on a comparison between the candidate's response to the employment skills questionnaire and candidate matching criteria associated with at least one employment opportunity.

3. The site of claim 1 wherein the site is additionally programmed to present an invited candidate with an employment offer prior to the conclusion of the employer-hosted recruiting event.

4. (Cancelled)

5. The site of claim 1 wherein the icon is configured to receive input requesting consideration for the at least one retained employment opportunity.

6. The site of claim 1 wherein the icon is configured to receive input for selecting and deleting a retained employment opportunity.

7. The site of claim 1 wherein the icon is configured to receive input for selecting a graphical theme for the icon.

8. The site of claim 1 wherein the icon is configured to receive input for requesting a detailed description of a retained employment opportunity and present a detailed description of a retained employment opportunity in response to the input.

9. The site of claim 1 wherein the icon is configured to receive input selecting a style of music to be played and play music on response to the music selection.

10. The site of claim 1 wherein the icon is configured to forward a retained employment opportunity to another candidate.

11. The site of claim 1 additionally programmed to present a candidate with a multimedia presentation introducing a recruiter.

12. The site of claim 11 wherein the recruiter that is introduced has an educational or professional background similar to that of the candidate's.

13. The site of claim 1 additionally programmed to present a candidate with a message center for communicating with recruiting staff during the recruiting process.

14. The site of claim 13 wherein the message center presents the candidate with an offer for employment.

15. The site of claim 13 wherein the message center receives candidate scheduling information for the employer-hosted recruiting event.

16. The site of claim 13 wherein the message center presents the candidate with instructions during the recruiting process.

17. The site of claim 13 wherein the message center receives any special needs of the candidate during the recruiting process.

18. A web site for recruiting candidates for employment, the site being programmed to:

receive input defining a candidate's employment credentials;

present at least one employment opportunity that best matches the candidate's employment credentials;

present an icon that is spawned upon the candidate's selection of the at least one employment opportunity for retaining the at least one employment opportunity wherein the candidate re-accesses the icon upon subsequent log-in, the icon being configured to receive input selecting a style of music to be played and play music on response to the music selection.;

receive input requesting consideration for the at least one employment opportunity that best matches the candidate's employment credentials; and

present the candidate with an invitation to an employer-hosted recruiting event based on a comparison between the candidate's employment credentials and candidate matching criteria associated with the at least one employment opportunity.

IX. EVIDENCE APPENDIX

None

X. RELATED PROCEEDINGS APPENDIX

None.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,069	03/06/2001	Rose Mary Farenden	FMC 1335 PUS / 200-1707	4132

28395 7590 03/21/2006
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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 03/21/2006

Dim: 4-21-06

Please find below and/or attached an Office communication concerning this application or proceeding.

UPLOADED
3-28-06 CF

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

09/800,069

Examiner

Johnna R. Loftis

Applicant(s)

FAREN DEN, ROSE MARY

Art Unit

3623



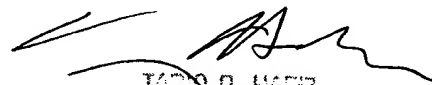
--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 03 January 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

Reference to the specification does not include line numbers.


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